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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,026	02/26/2002	Paul S. Odom	002-US-009	2690

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EXAMINER	
LY, ANH	

ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/086,026	ODOM ET AL.	
	Examiner	Art Unit	
	Anh Ly	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-50* is/are pending in the application.

4a) Of the above claim(s) *6,7,14,15,20,21,27 and 28* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8-13,16-19,22-26 and 29-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is response to Applicants' Amendment filed on 08/09/2005.

2. Claims 6-7 & 20-21 have been cancelled.

3. Claims 49-50 have been added.

4. Claimed 14-15 & 27-28 were deleted (Dated 11/12/2004).

5. Claims 1-5, 8-13, 16-19, 22-26, and 29-50 are pending in this Application.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 and 29 are rejected under 35 U.S.C. 101 because "a method to identifying topics in a data corpus having a plurality of segments" and "a method to display a list of topics associated with data items stored in a database" are "descriptive material.", "abstract ideas " , Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759, or the mere manipulation of abstract ideas, Schrader, 22 F.3d at 292-93, 30 USPQ2d at 1457-58, are not patentable. Descriptive material can be characterized as "nonfunctional descriptive material.". "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data. Both types of "descriptive material" are nonstatutory when claimed as descriptive material per se.

Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759. Thus, the method is not being tangible to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim Objections

7. Claims 12 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-11, 13, 16-24, 26 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent No.: US 6,363,378 B1 issued to Conklin et al. (hereinafter Conklin) in view of Pub. No.: US 2004/0128267 A1 of Berger et al. (hereinafter Berger) and further in view of Pub. No.: US 2002/0103799 A1 of Bradford et al. (hereinafter Bradford).

With respect to claim 1, Conklin teaches a method to identify topics in a data corpus having a plurality of segments (identifying the topics from a data corpus of documents containing at least one sentences (abstract).

Conklin teaches identifying the topics of a data corpus of documents for user in query searching the terms or words in the documents. Conklin does not clearly teaches determining a segment-level actual usage value for one or more word combinations, computing a segment-level expected usage value for each of the one or more word combinations wherein a word combination includes two or more words; and designating a word combination if the segment-level actual usage value of the word combination is substantially greater than the segment-level expected usage value of the word combination.

However, Berger teaches actual value and expected value for each entry of words or pattern based on the frequency occurrences via threshold (paragraphs 0032-0033, 0042-0044).

Therefore, based on Conklin in view of Berger it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Conklin and Berger, because using the steps of "'determining a segment-level actual value for one or more word combinations; computing a segment-level expected usage value ... greater than the segment-level expected usage vale of the word combination" would have given those skilled in the art to have ability to include calculating the expected value of occurrences of words' frequency count based on the ratio of the actual value to the expected value exceeding a certain threshold (paragraphs 0043-0044). This gives users the advantage of processing of the plurality of segments in a data corpus of documents more efficiently. Conklin and Berger do not teach wherein a word combination includes two or more substantially contiguous words, wherein two words are substantially contiguous if they are separated by zero word or words selected from a predetermined list of words.

However, Bradford teaches contiguous word in a document (paragraphs 0054, 0062 and 0082).

Therefore, based on Conklin in view of Berger, and further in view of Bradford, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Bradford to the system of Conklin to have two or more contiguous words. One having ordinary skill in the art would have found it motivated to utilize the use of word combination in a data corpus of document for statistical analysis of a collection of topics that are related to both data corpus and the

domain interest of the data analysis, thereby searching a collection of one or more documents for material of conceptual relatedness more efficient.

With respect to claims 2-5, Conklin teaches wherein each of the plurality of segments comprises a portion of a document, wherein the portion of a document comprises a paragraph, wherein the portion of a document comprises a heading and wherein the portion of a document comprises the entire document (fig. 1, item 130, the document containing paragraph, heading, sentences, phrases and words: col. 3, lines 60-65).

With respect to claim 8, Conklin in view of Berger teaches a method to identify topics in a data corpus having a plurality of segments as discussed in claim 1.

Conklin teaches identifying the topics of a data corpus of documents containing a plurality of segments for user in query searching the terms or words in the documents. Berger teaches calculating expected value for word combination. In combination, Conklin and Berger do not teach wherein the predetermined list of words comprises stop words.

However, Bradford teaches stop words (paragraphs 0069 and 0082).

Therefore, based on Conklin in view of Berger, and further in view of Bradford, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Bradford to the system of Conklin to have two or more contiguous words. One having ordinary skill in the art would have found it motivated to utilize the use of word combination in a data corpus of document for statistical analysis of a collection of topics that are related to both data corpus and the

domain interest of the data analysis, thereby searching a collection of one or more documents for material of conceptual relatedness more efficient.

With respect to claim 9, Conklin wherein at least one word in each of the one or more word combinations is selected from a predetermined list of words (col. 15, lines 58-65).

With respect to claim 10, Conklin teaches wherein the predetermined list of words comprise a list of domain specific words (the list of theme terms: col. 15, lines 60-65).

With respect to claims 11 and 13, Conklin teaches a method as discussed in claim 1.

Conklin teaches identifying the topics of a data corpus of documents for user in query searching the terms or words in the documents. Conklin does not clearly teaches determining a segment-level actual usage value for a word combination comprises determining the number of segments in the data corpus the word combination is in.

However, Berger teaches actual value and expected value for each entry of words or pattern based on the frequency occurrences via threshold (paragraphs 0032-0033, 0042-0044).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Conklin with the teachings of Berger. One having ordinary skill in the art would have found it motivated to utilize the use of calculating the expected value of occurrences of words' frequency count based on the ratio of the actual value to the expected value exceeding a certain threshold

(paragraphs 0042-0044), into the system of Conklin for the purpose of performing statistical analysis of a collection of topics that are related to both data corpus and the domain interest of the data analysis, thereby searching a collection of one or more documents for material of conceptual relatedness more efficient.

Claim 16 is essentially the same as claim 1 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 1 hereinabove.

Claim 17 is essentially the same as claim 2 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 2 hereinabove.

Claim 18 is essentially the same as claim 3 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 3 hereinabove.

Claim 19 is essentially the same as claim 5 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 5 hereinabove.

Claim 20 is essentially the same as claim 6 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 6 hereinabove.

Claim 21 is essentially the same as claim 7 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 7 hereinabove.

Claim 22 is essentially the same as claim 9 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 7 hereinabove.

Claim 23 is essentially the same as claim 10 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 10 hereinabove.

Claim 24 is essentially the same as claim 11 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 11 hereinabove.

Claim 26 is essentially the same as claim 13 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 13 hereinabove.

With respect to claim 49, Conklin teaches a method to identify topics in a data corpus having a plurality of segments (identifying the topics from a data corpus of documents containing at least one sentences (abstract).

Conklin teaches identifying the topics of a data corpus of documents for user in query searching the terms or words in the documents. Conklin does not clearly teaches determining a segment-level actual usage value for one or more word combinations, computing a segment-level expected usage value for each of the one or more word combinations wherein the segment-level expected usage value is based on frequency count of words that form the word combination within the data corpus or a portion thereof; and designating a word combination if the segment-level actual usage value of

the word combination is substantially greater than the segment-level expected usage value of the word combination.

However, Berger teaches actual value and expected value for each entry of words or pattern based on the frequency occurrences via threshold (paragraphs 0032-0033, 0042-0044).

Therefore, based on Conklin in view of Berger it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Conklin and Berger, because using the steps of "'determining a segment-level actual value for one or more word combinations; computing a segment-level expected usage value ... greater than the segment-level expected usage vale of the word combination" would have given those skilled in the art to have ability to include calculating the expected value of occurrences of words' frequency count based on the ratio of the actual value to the expected value exceeding a certain threshold (paragraphs 0043-0044). This gives users the advantage of processing of the plurality of segments in a data corpus of documents more efficiently. Conklin and Berger do not teach wherein a word combination includes two or more substantially contiguous words, wherein two words are substantially contiguous if they are separated by zero word or words selected from a predetermined list of words.

However, Bradford teaches contiguous word in a document (paragraphs 0054, 0062 and 0082).

Therefore, based on Conklin in view of Berger, and further in view of Bradford, it would have been obvious to a person of ordinary skill in the art at the time the invention

was made to combine the teachings of Bradford to the system of Conklin to have two or more contiguous words. One having ordinary skill in the art would have found it motivated to utilize the use of word combination in a data corpus of document for statistical analysis of a collection of topics that are related to both data corpus and the domain interest of the data analysis, thereby searching a collection of one or more documents for material of conceptual relatedness more efficient.

11. Claims 29-48 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent No.: US 6,363,378 B1 issued to Conklin et al. (hereinafter Conklin) in view of Pub. No.: US 2004/0128267 A1 of Berger et al. (hereinafter Berger) and further in view of Pub. No.: US 2002/0103799 A1 of Bradford et al. (hereinafter Bradford).

With respect to claim 29, Conklin teaches a method to display a list of topics associated with data items stored in a database (displaying the list of topics associated terms or word of set of documents stored in a database: col. 2, lines 30-45 and col. 17, lines 15-30);

identifying a result set based on an initial query, the result set identifying a plurality of stored data items (list of words of word combinations to be retrieved based on the user query to be inputted by user: fig. 1, col. 1, lines 32-67 and col. 2, lines 1-18; also col. 3, lines 58-65); and

displaying the selected topics (output display from a computer system displaying the topics: col. 16, lines 28-48; also col. 15, lines 32-67).

Conklin teaches displaying the topics associated with data items stored in a database and an initial query to be input by user to retrieved the relevant data based on the user query from the database. Conklin does not clearly teach identifying those topics associated with the stored data items identified in the result set, selecting for display a topic associated with the most identified stored data items, selecting for display another topic, said another topic associated with the most identified stored data items not associated with a previously identified display topic, wherein this step is repeated until all identified stored items in the result set have been accounted for.

However, Zimmermann teaches retrieval system containing a database that relates document word-pair patterns topics, using search query to search or retrieve or extract a list of documents as a result set of topics based on the search query and display the result to the requestor (see fig. 10, col. 4, lines 25-58, col. 6, lines 2-42).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Conklin with the teachings of Zimmermann. One having ordinary skill in the art would have found it motivated to utilize the use of selecting for displaying a topic associated data items stored in a database for statistical analysis of a collection of topics that are related to both data corpus and the domain interest of the data analysis, thereby searching a collection of one or more documents for material of conceptual relatedness more efficient.

With respect to claims 30-35, Conklin teaches a method for displaying a list of topics as discussed in claim 29.

Conklin teaches displaying the topics associated with data items stored in a database and an initial query to be input by user to retrieved the relevant data based on the user query from the database. Conklin does not clearly teach identifying an initial user query, list of topics, result set, a list of topics associated with identified stored data items.

However, Zimmermann teaches retrieval system containing a database that relates document word-pair patterns topics, using search query to search or retrieve or extract a list of documents as a result set of topics based on the search query and display the result to the requestor (see fig. 10, col. 4, lines 25-58, col. 6, lines 2-42).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Conklin with the teachings of Zimmermann. One having ordinary skill in the art would have found it motivated to utilize the use of selecting for displaying a topic associated data items stored in a database for statistical analysis of a collection of topics that are related to both data corpus and the domain interest of the data analysis, thereby searching a collection of one or more documents for material of conceptual relatedness more efficient.

With respect to claims 36-37, Conklin teaches a method for displaying a list of topics as discussed in claim 29.

Conklin teaches displaying the topics associated with data items stored in a database and an initial query to be input by user to retrieved the relevant data based on

the user query from the database. Conklin does not clearly teach identifying an initial user query, list of topics, result set, displaying a selected number of stored data item identifiers and displaying a hyperlink.

However, Zimmermann teaches displaying a list of topics in the table for each documents to the requestor (col. 10, lines 65-67 and col. 11, lines 1-27).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Conklin with the teachings of Zimmermann. One having ordinary skill in the art would have found it motivated to utilize the use of selecting for displaying a topic associated data items stored in a database for statistical analysis of a collection of topics that are related to both data corpus and the domain interest of the data analysis, thereby searching a collection of one or more documents for material of conceptual relatedness more efficient.

With respect to claim 38, Conklin teaches a method for displaying a list of topics as discussed in claim 29.

Conklin teaches displaying the topics associated with data items stored in a database and an initial query to be input by user to retrieved the relevant data based on the user query from the database. Conklin does not clearly teach generating a list of unique individual words from the topics not yet selected for display, selecting for display a unique word from the list of unique individual words associated with the most identified stored data items; and selecting for display another unique word from the list of unique individual words, said another unique word associated with the most identified stored data items not associated with a previously identified display topic and unique

word, wherein this step is repeated until all identified stored items in the result set have been accounted for.

However, Zimmermann teaches retrieval system containing a database that relates document word-pair patterns topics, using search query to search or retrieve or extract a list of documents as a result set of topics based on the search query and display the result to the requestor (see fig. 10, col. 4, lines 25-58, col. 6, lines 2-42).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Conklin with the teachings of Zimmermann. One having ordinary skill in the art would have found it motivated to utilize the use of selecting for displaying a topic associated data items stored in a database for statistical analysis of a collection of topics that are related to both data corpus and the domain interest of the data analysis, thereby searching a collection of one or more documents for material of conceptual relatedness more efficient.

Claim 39 is essentially the same as claim 29 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 29 hereinabove.

Claim 40 is essentially the same as claim 30 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 30 hereinabove.

Claim 41 is essentially the same as claim 31 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 31 hereinabove.

Claim 42 is essentially the same as claim 32 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 32 hereinabove.

Claim 43 is essentially the same as claim 33 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 33 hereinabove.

Claim 44 is essentially the same as claim 34 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 34 hereinabove.

Claim 45 is essentially the same as claim 35 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 35 hereinabove.

Claim 46 is essentially the same as claim 36 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 36 hereinabove.

Claim 47 is essentially the same as claim 37 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 37 hereinabove.

Claim 48 is essentially the same as claim 38 except that it is directed to a program storage device rather than a method, and is rejected for the same reason as applied to the claim 38 hereinabove.

With respect to claim 50, Conklin teaches a method to display a list of topics associated with data items stored in a database (displaying the list of topics associated terms or word of set of documents stored in a database: col. 2, lines 30-45 and col. 17, lines 15-30);

identifying a result set based on an initial query, the result set identifying a plurality of stored data items (list of words of word combinations to be retrieved based on the user query to be inputted by user: fig. 1, col. 1, lines 32-67 and col. 2, lines 1-18; also col. 3, lines 58-65); and

displaying the selected topics (output display from a computer system displaying the topics: col. 16, lines 28-48; also col. 15, lines 32-67).

Conklin teaches displaying the topics associated with data items stored in a database and an initial query to be input by user to retrieved the relevant data based on the user query from the database. Conklin does not clearly teach identifying those topics associated with the stored data items identified in the result set, selecting for display a topic associated with the most identified stored data items, selecting for display another topic, said another topic associated with the most identified stored data items not associated with a previously identified display topic, wherein this step is repeated until all identified stored items in the result set have been accounted for.

However, Zimmermann teaches retrieval system containing a database that relates document word-pair patterns topics, using search query to search or retrieve or extract a list of documents as a result set of topics based on the search query and display the result to the requestor (see fig. 10, col. 4, lines 25-58, col. 6, lines 2-42).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Conklin with the teachings of Zimmermann. One having ordinary skill in the art would have found it motivated to utilize the use of selecting for displaying a topic associated data items stored in a database for statistical analysis of a collection of topics that are related to both data corpus and the domain interest of the data analysis, thereby searching a collection of one or more documents for material of conceptual relatedness more efficient.

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or via E-Mail: ANH.LY@USPTO.GOV **or fax to (571) 273-4039**. The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107 or **Primary Examiner Jean Corrielus (571) 272-4032.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see **http://pair-direct.uspto.gov**. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or faxed to: **Central Fax Center (571) 273-8300**

ANH LY
OCT. 20th, 2005

JEAN R. CORRIELUS
PRIMARY EXAMINER